

FILED

DEC 27 2018

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY SAS DEP CLK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No.: 5:18-cv-00484-BO

EPIC GAMES, INC.,)

Plaintiff,)

v.)

BRANDON LUCAS and COLTON)
CONTER,)

Defendants,)

DEFENDANT'S RESPONSE TO
PLAINTIFF'S OBJECTION TO
DEFENDANT'S MOTION TO
DISMISS

The Defendant Brandon Lucas hereby files a response to Plaintiff's response to his motion to dismiss the complaint. The Defendant, Brandon Lucas, will rely on the affidavit submitted.

This the 19th day of December, 2018

BRANDON LUCAS, *pro se*

Brandon Lucas

Brandon Lucas
11211 South Military Trail
Apt. #5021
Boynton Beach, FL 33436
juniorolympicgold@gmail.com

Defendant, pro se

SWORN AFFIDAVIT

1. I have read the Federal Rule of Civil Procedure 7(b)(1)(B) and believe that I have complied with the requirements set forth. My motion is in writing, and states my reasons for seeking an order of dismissal.
2. The Plaintiff clearly did not conduct enough due diligence to determine the responsible party and it is not my obligation to reveal that information.
3. I reviewed the Local Civil Rule 7.1(b)(1) as cited by Plaintiff's counsel and find that there is no (1) after the (b) in the local rules, therefore no memoranda is required.
4. I have reviewed the case of Pettiford v. City of Greensboro, 556 F. Supp. 2d 512, 517 (M.D.N.C. 2008). That matter involved a criminal case and this is a civil matter. It is my position that I am not obligated to direct Plaintiff's counsel to the correct defendant. It is Plaintiff's responsibility to name the accurate party before filing this litigation.
5. In my previous affidavit I stated that I do not own the YouTube channel where the advertisements were posted, nor do I own the videos posted.
6. The statements made by me in the counter-notification in response to Epic's copyright takedown notice, were only as an individual when YouTube requested my legal first and last name instead of a company name on that counter notification.

Dated: December 19, 2018

Brandon Lucas
Brandon Lucas

